

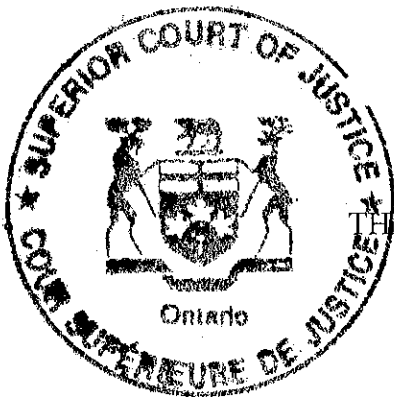
ONTARIO  
SUPERIOR COURT OF JUSTICE

BETWEEN:

HELENA GUERGIS

Plaintiff

- and -



V. RAYMOND NOVAK, ARTHUR HAMILTON,  
CASSELS BROCK & BLACKWELL LLP,  
THE RIGHT HONOURABLE STEPHEN HARPER,  
GUY GIORNO, SHELLY GLOVER,  
THE HONOURABLE LISA RAITT, AXELLE PELLERIN,  
CONSERVATIVE PARTY OF CANADA and  
DERRICK SNOWDY

Defendants

**STATEMENT OF CLAIM**

TO THE DEFENDANTS

A LEGAL PROCEEDING HAS BEEN COMMENCED AGAINST YOU by the plaintiff. The claim made against you is set out in the following pages.

IF YOU WISH TO DEFEND THIS PROCEEDING, you or an Ontario lawyer acting for you must prepare a statement of defence in Form 18A prescribed by the Rules of Civil Procedure, serve it on the plaintiff's lawyers or, where the plaintiff does not have a lawyer, serve it on the plaintiff, and file it, with proof of service, in this court office, WITHIN TWENTY DAYS after this statement of claim is served on you, if you are served in Ontario.

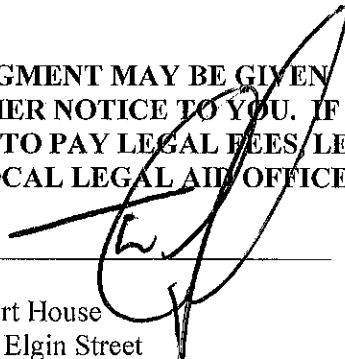
If you are served in another province or territory of Canada or in the United States of America, the period for serving and filing your statement of defence is forty days. If you are served outside Canada and the United States of America, the period is sixty days.

Instead of serving and filing a statement of defence, you may serve and file a notice of intent to defend in Form 18B prescribed by the Rules of Civil Procedure. This will entitle you to ten more days within which to serve and file your statement of defence.

**IF YOU FAIL TO DEFEND THIS PROCEEDING, JUDGMENT MAY BE GIVEN AGAINST YOU IN YOUR ABSENCE AND WITHOUT FURTHER NOTICE TO YOU. IF YOU WISH TO DEFEND THIS PROCEEDING BUT ARE UNABLE TO PAY LEGAL FEES, LEGAL AID MAY BE AVAILABLE TO YOU BY CONTACTING A LOCAL LEGAL AID OFFICE.**

Date: 22 Dec 11

Issued by:

  
Court House  
161 Elgin Street  
Ottawa, Ontario  
K2P 2K1

TO: V. Raymond Novak  
Office of the Prime Minister  
80 Wellington Street  
Ottawa, ON K1A 0A2

TO: Arthur Hamilton  
Cassels Brock & Blackwell LLP  
2100 Scotia Plaza  
40 King Street West  
Toronto, ON M5H 3C2

TO: Cassels Brock & Blackwell LLP  
2100 Scotia Plaza  
40 King Street West  
Toronto, ON M5H 3C2

TO: The Right Honourable Stephen Harper  
Office of the Prime Minister  
80 Wellington Street  
Ottawa, ON K1A 0A2

TO: Guy Giorno  
333 Bay Street, Suite 2400  
Bay Adelaide Centre, Box 20  
Toronto, ON M5H 2T6

TO: Shelly Glover  
Room 532-N Centre Block  
House of Commons  
Ottawa, ON K1A 0A6

TO: The Honourable Lisa Raitt  
Confederation Building  
Ottawa, ON K1A 0A6

TO: Axelle Pellerin  
193 Springfield Rd.  
Ottawa, ON K1M 1C3

TO: Conservative Party of Canada  
#1204 - 130 Albert Street  
Ottawa, ON K1P 5G4

TO: Derrick Snowdy

## CLAIM

1. The Plaintiff claims as against the Defendant, V. Raymond Novak ("Novak"), for conspiracy, defamation, misfeasance in public office, intentional infliction of mental suffering, and negligence.
2. The Plaintiff claims as against the Defendant, Arthur Hamilton ("Hamilton"), for conspiracy, defamation, breach of fiduciary duty, breach of duty of good faith, breach of confidence, and negligence.
3. The Plaintiff claims as against the Defendant, Cassels Brock & Blackwell LLP ("Cassels Brock"), for conspiracy, defamation, breach of fiduciary duty, breach of duty of good faith, breach of confidence, and negligence.
4. The Plaintiff claims as against the Defendant, The Right Honourable Stephen Harper ("Harper"), for conspiracy, defamation, misfeasance in public office, intentional infliction of mental suffering, and negligence.
5. The Plaintiff claims as against the Defendant, Guy Giorno ("Giorno"), general damages for conspiracy, defamation, misfeasance in public office, intentional infliction of mental suffering, and negligence.
6. The Plaintiff claims as against the Defendant, Shelly Glover ("Glover"), for conspiracy, defamation, intentional infliction of mental suffering, and negligence.
7. The Plaintiff claims as against the Defendant, The Honourable Lisa Raitt ("Raitt"), for conspiracy, defamation, intentional infliction of mental suffering, and negligence.
8. The Plaintiff claims as against the Defendant, Axelle Pellerin ("Pellerin"), for conspiracy,

defamation, intentional infliction of mental suffering, and negligence.

9. The Plaintiff claims as against the Defendant, Conservative Party of Canada ("CPC"), for conspiracy, breach of duty of good faith, and negligence.
10. The Plaintiff claims as against the Defendant, Derrick Snowdy ("Snowdy"), damages for conspiracy and defamation.
11. The Plaintiff claims as against all of the Defendants:
  - (a) general damages for the Defendants' tortious conduct in the amount of \$800,000;
  - (b) aggravated damages in the amount of \$250,000;
  - (c) punitive damages in the amount of \$250,000;
  - (d) interest on the above amounts and in accordance with the *Courts of Justice Act*, R.S.O. 1990, c.C.43, as amended;
  - (e) her costs of this action on a substantial indemnity basis, inclusive of H.S.T.;
  - (f) such further and other relief as this Honourable Court may deem just.

### **The Parties**

12. The Plaintiff is an individual and resident of the City of Ottawa and the Town of Angus, in the Province of Ontario. The Plaintiff is a former Member of Parliament for the Electoral District of Simcoe-Grey and is a former Minister of State for the Status of Women.
13. Novak is an individual who, at all material times, was the Principal Secretary for the Prime Minister of Canada, working closely with and at the direction of Harper.

14. Hamilton is an individual and a lawyer with the Toronto office of the Cassels Brock law firm who, at all material times, was the lawyer for CPC and Harper.
15. Cassels Brock is a limited liability partnership and law firm with offices in several major Canadian cities that, at all material times, was acting as legal counsel for CPC and Harper.
16. Harper is an individual who, at all material times, was the Prime Minister of Canada, who worked closely with and directed Novak and Giorno, and who also directed and exercised authority over Raitt and Glover.
17. Giorno is an individual who, at all material times, was the Chief of Staff to the Prime Minister of Canada, working closely with and at the direction of Harper.
18. Glover is an individual who, at all material times, was the Member of Parliament for the Electoral District of Saint-Boniface, working under the direction of Harper.
19. Raitt is an individual who, at all material times, was the Member of Parliament for the Electoral District of Halton and the Minister of Labour, working closely with Pellerin and working under the direction of Harper.
20. Pellerin is an individual who, at all material times, was an employee of the Government of Canada, working closely with and at the direction of Raitt.
21. CPC is a federal political party in Canada, of which the Plaintiff and all or certain of the personal Defendants were members, at all material times.
22. Snowdy is an individual.

### **The Conspiracy Engaged In By The Defendants**

23. In or about 2010, each of the Defendants entered into conspiracy with each other, or with some of their co-Defendants, the particulars of which are known to the Defendants and partially unknown to the Plaintiff, as the conspiracy was carried out in a clandestine manner.
24. The conspiracy was to engage in unlawful acts in order to remove and/or justify the removal of the Plaintiff from her positions as a member of the caucus of CPC, the candidate for the CPC in the Electoral District of Simcoe-Grey, and the Minister of State for the Status of Women, in a manner deemed by the Defendants to be to their political, personal, and/or financial benefit.
25. The conspiracy was engaged in by the Defendants in a manner designed to injure the Plaintiff, or in the alternative in a manner that recklessly and callously disregarded the interests of the Plaintiff.
26. The conspiracy engaged in by the Defendants was effected to serve the Defendants' political, personal and/or financial goals and not for any legitimate or lawful purpose.
27. To the extent that they are known by the Plaintiff, the unlawful and overt acts engaged in by the Defendants in furtherance of the conspiracy are pleaded herein. While each of the Defendants may not have participated directly in each of the unlawful and overt acts pleaded herein, the Defendants each either had knowledge of such acts, and encouraged or assisted in such acts, or the Defendants each knew that such acts would take place as part of that conspiracy and supported them. In any event, the Defendants are responsible for and/or had, at the very least, imputed knowledge of each of the acts that were engaged in to further the conspiracy.
28. The conduct of the Defendants, in engaging in a conspiracy and in acting unlawfully

toward the Plaintiff, resulted in injury and damage to the Plaintiff, including the specific injury and damage occasioned by her removal as a member of the caucus of CPC, her removal as the candidate for the CPC in the Electoral District of Simcoe-Grey, and her removal from her position as Minister of State for the Status of Women. The conduct of the Defendants has resulted in damage to the Plaintiff's reputation, her career in politics and public service, her ability to earn income, her health, and her personal well-being.

### **The Marginalization of the Plaintiff**

29. At all times prior to September 2009, the Plaintiff was enjoying a successful career as a federal politician, serving as the Minister of State for the Status of Women, the Member of Parliament for the Electoral District of Simcoe-Grey, the CPC candidate for the Electoral District of Simcoe-Grey, and a member of the CPC caucus.
30. However, after on or about September 11, 2009, Novak, Giorno, Harper, Glover, Raitt and Pellerin, and certain other members of the CPC and CPC caucus with whom the Plaintiff previously had cordial and effective working relationships, began excluding the Plaintiff from meetings and activities taking place within the CPC caucus and the cabinet of Canada, and acting without regard to the Plaintiff. The Plaintiff states that this conduct was solely as a result of negative media coverage respecting the Plaintiff's spouse, and constituted a deliberate and calculated attempt to marginalize the Plaintiff, which marginalization continued and escalated during early 2010, eventually culminating in the events of April 2010 described below.

### **Snowdy's Allegations**

31. On or about April 8, 2010, Snowdy met with Hamilton and spoke defamatory words about the Plaintiff, advising Hamilton that the Plaintiff was or had been involved in fraud,



extortion, obtaining benefits by false pretences, and prostitution, that Snowdy had collected evidence to corroborate his statements that the Plaintiff had been involved in fraud, extortion, obtaining benefits by false pretences and prostitution, and that Snowdy had provided such information and/or evidence to the the Royal Canadian Mounted Police ("RCMP") and the Ontario Provincial Police ("OPP").

32. The Plaintiff complains of the foregoing defamatory words spoken by Snowdy to Hamilton on or about April 8, 2010, and states that the words complained of were false and defamatory of the Plaintiff in their natural and ordinary meaning, including their implied meanings.
33. The words complained of meant, were intended to mean, and were understood to mean that:
  - a. The Plaintiff was involved in fraudulent activity;
  - b. The Plaintiff was involved in extortion;
  - c. The Plaintiff was involved in obtaining benefits by false pretences;
  - d. The Plaintiff was involved in prostitution;
  - e. Evidence existed and had been obtained by Snowdy to corroborate the allegations that the Plaintiff was involved in fraud, extortion, obtaining benefits by false pretences, and prostitution;
  - f. Snowdy had previously provided information respecting the improper and/or unlawful conduct of the Plaintiff to the RCMP and the OPP.
34. Contrary to the foregoing false and defamatory words, implications and innuendoes:
  - a. The Plaintiff has never been involved in fraud, extortion, obtaining benefits by false pretences, or prostitution;
  - b. No evidence has ever existed to corroborate the allegations that the Plaintiff has

been involved in fraud, extortion, obtaining benefits by false pretences, and prostitution;

- c. Snowdy had not provided information respecting the Plaintiff to the RCMP or the OPP as of on or about April 8, 2010.

- 35. The defamatory words spoken by Snowdy about the Plaintiff during his meeting with Hamilton of April 8, 2010 were spoken in pursuance and in furtherance of the conspiracy engaged in by the Defendants.

### **Hamilton's Allegations**

- 36. On or about April 8 and/or April 9, 2010, Hamilton spoke defamatory words about the Plaintiff, advising Novak, Giorno, Harper and/or others that the Plaintiff was or had been involved in fraud, extortion, obtaining benefits by false pretences, and prostitution, and that Snowdy had collected evidence to corroborate his statements that the Plaintiff had been involved in fraud, extortion, obtaining benefits by false pretences and prostitution.
- 37. The Plaintiff complains of the defamatory words spoken by Hamilton to Novak, Giorno, Harper and/or others on or about April 8 and/or April 9, 2010, and states that the words complained of were false and defamatory of the Plaintiff in their natural and ordinary meaning, including their implied meanings, and were spoken with malice.
- 38. The words complained of meant, were intended to mean, and were understood to mean that:
  - a. The Plaintiff was involved in fraudulent activity;
  - b. The Plaintiff was involved in extortion;
  - c. The Plaintiff was involved in obtaining benefits by false pretences;

- d. The Plaintiff was involved in prostitution;
- e. Evidence existed and had been obtained by Snowdy to corroborate the allegations that the Plaintiff was involved in fraud, extortion, obtaining benefits by false pretences, and prostitution;
- f. Snowdy had previously provided information respecting the improper and/or unlawful conduct of the Plaintiff to the RCMP and the OPP;
- g. Snowdy had advised Hamilton that the Plaintiff was involved in fraudulent activity;
- h. Snowdy had advised Hamilton that the Plaintiff was involved in extortion;
- i. Snowdy had advised Hamilton that the Plaintiff was involved in obtaining benefits by false pretences;
- j. Snowdy had advised Hamilton that the Plaintiff was involved in prostitution;
- k. Snowdy had advised Hamilton that evidence existed and had been obtained by Snowdy to corroborate the allegations that the Plaintiff was involved in fraud, extortion, obtaining benefits by false pretences, and prostitution;
- l. Snowdy had advised Hamilton that Snowdy had previously provided information respecting the improper and/or unlawful conduct of the Plaintiff to the RCMP and the OPP.

39. Contrary to the foregoing false and defamatory words, implications and innuendoes:

- a. The Plaintiff has never been involved in fraud, extortion, obtaining benefits by false pretences, or prostitution;
- b. No evidence has ever existed to corroborate the allegations that the Plaintiff's conduct included involvement in fraud, extortion, obtaining benefits by false pretences, and prostitution;
- c. In the alternative to the statements made at paragraphs 31-35 herein, Snowdy never communicated to Hamilton any allegations that the Plaintiff was involved in fraud, extortion, obtaining benefits by false pretences, or prostitution;

- d. In the alternative to the statements made at paragraphs 31-35 herein, Snowdy never told Hamilton that he had collected evidence to corroborate any allegations respecting the Plaintiff;
  - e. In the alternative to the statements made at paragraphs 31-35 herein, Snowdy never told Hamilton that he had provided information respecting the Plaintiff to the RCMP and the OPP, as of April 8 and/or 9, 2010.
40. On other occasions during 2010, the dates and times of which are not known to the Plaintiff, Hamilton spoke further defamatory words about the Plaintiff, advising certain of the Defendants or other individuals that the Plaintiff had used cocaine and associated with prostitutes while using cocaine, and that a video recording exists depicting the Plaintiff using cocaine by snorting cocaine off of the breast of a prostitute.
41. The Plaintiff complains of defamatory words spoken by Hamilton during 2010, and states that the words complained of were false and defamatory of the Plaintiff in their natural and ordinary meaning, including their implied meanings.
42. The words complained of meant, were intended to mean, and were understood to mean that:
- a. The Plaintiff has used cocaine;
  - b. The Plaintiff has used cocaine while associating with prostitutes;
  - c. A video recording exists depicting the Plaintiff using cocaine by snorting cocaine off of the breast of a prostitute;
  - d. The Plaintiff has engaged in criminal conduct, being the possession and use of cocaine.
43. Contrary to the foregoing false and defamatory words, implications and

innuendoes:

- a. The Plaintiff has never used cocaine;
  - b. The Plaintiff has never been in the presence of another individual or individuals using cocaine;
  - c. The Plaintiff has never been involved in criminal conduct;
  - d. No video recording has ever existed depicting the Plaintiff snorting cocaine off of the breast of a prostitute.
44. The defamatory words spoken by Hamilton about the Plaintiff during his meeting(s) with Novak, Giorno and Harper of April 8 and/or April 9, 2010 and on other occasions during 2010 were spoken in pursuance and in furtherance of the conspiracy engaged in by the Defendants.

#### **Hamilton and Cassels Brock's Breaches Of Their Duties**

45. On April 8 and 9, 2010, and all material times, Hamilton and Cassels Brock owed a fiduciary duty and duty of good faith to the Plaintiff, and were obligated to act with regard to the Plaintiff's interests and keep and protect the Plaintiff's confidences as a result of the relationship that existed as between the Plaintiff, Hamilton and Cassels Brock, including as a result of the legal advice that had been provided by Hamilton and Cassels Brock to the Plaintiff on or about April 7, 2010 at a time when the Plaintiff was vulnerable and dependent upon Hamilton and Cassels Brock and relying upon their professional advice.
46. In this regard, on or about April 7, 2010, just one or two days prior to the words and defamatory words spoken by Hamilton to Novak, Giorno, Harper and/or others on or about April 8 and/or April 9, 2010, Hamilton and Cassels Brock were providing legal advice to the Plaintiff, were receiving confidential information and documentation from

the Plaintiff, were being relied upon by the Plaintiff to protect her legal interests, and were aware that the Plaintiff's trust was being reposed in them.

47. However, on or about April 8 and/or April 9, 2010 and thereafter, Hamilton and Cassels Brock disregarded their relationship with the Plaintiff and acted in a manner detrimental to the Plaintiff's interests, including by speaking the foregoing false and defamatory words about the Plaintiff to Novak, Giorno, Harper and/or others on or about April 8 and/or April 9, 2010.
48. In addition, Hamilton and Cassels Brock failed to avoid a conflict of interest whereby the interests of their other client(s) were promoted at the expense of the Plaintiff's interests, resulting in breaches of their fiduciary duties and duties of good faith owed to the Plaintiff.
49. In speaking the foregoing false and defamatory words about the Plaintiff to Novak, Giorno, Harper and/or others on or about April 8 and/or April 9, 2010, and by communicating to Novak, Giorno, Harper and/or others private and confidential information that had been provided to Hamilton and Cassels Brock by the Plaintiff, Hamilton and Cassels Brock breached the Plaintiff's confidences and/or were negligent, with resulting damage to the Plaintiff.
50. Hamilton and Cassels Brock's breach of the Plaintiff's confidences was effected in pursuance and in furtherance of the conspiracy engaged in by the Defendants.

#### **The April 9, 2010 Letter**

51. On April 9, 2010, Novak, Giorno and Harper caused a letter to the Commissioner of the RCMP to be published, which letter was signed by Novak. The letter contained the following statements:

The Prime Minister has asked me to provide the following information on his behalf:

Late last night, our office became aware of the specifics of allegations made by Mr. Derrick Snowdy, a private investigator, concerning the conduct of Mr. Rahim Jaffer and the Hon. Helena Guergis. The allegations are numerous and include fraud, extortion, obtaining benefits by false pretences and involvement in prostitution. The extent of the allegations makes it impossible for me to summarise [sic] them in this brief letter.

Our office has no first-hand knowledge of these allegations and our office has not communicated directly with Mr. Snowdy. Communication was conducted through the Conservative Party's legal counsel, Mr. Arthur Hamilton of Cassels Brock, Toronto.

I have been informed that Mr. Snowdy states that he has collected evidence to corroborate his allegations.... I understand that Mr. Snowdy says the information was already shared with the RCMP and the OPP, but I want to ensure that you are aware of it.

52. The words meant, were intended to mean, and were understood to mean that:
- a. the Plaintiff was involved in fraudulent activity;
  - b. the Plaintiff was involved in extortion;
  - c. the Plaintiff was involved in obtaining benefits by false pretences;
  - d. the Plaintiff was involved in prostitution;
  - e. the extent of the Plaintiff's conduct involving fraud, extortion, obtaining benefits by false pretences and prostitution was so extensive that it could not be summarized in a letter;
  - f. evidence had been obtained to corroborate the allegations that the Plaintiff was involved in fraud, extortion, obtaining benefits by false pretences, and prostitution;
  - g. the information provided by Snowdy to Hamilton had previously been provided by Snowdy to the RCMP and the OPP.

53. The Plaintiff complains of the foregoing words, and states that the words complained of were false and defamatory of the Plaintiff in their natural and ordinary meaning, including their implied meanings.
54. Contrary to the foregoing false and defamatory words, implications and innuendoes:
- a. the Plaintiff has never been involved in fraud, extortion, obtaining benefits by false pretences, or prostitution;
  - b. no evidence has ever existed to corroborate the allegations that the Plaintiff's conduct included involvement in fraud, extortion, obtaining benefits by false pretences, and prostitution;
  - c. In the alternative to the statements made at paragraphs 31-35 herein, Snowdy had not provided information respecting the Plaintiff to the RCMP and the OPP, as of April 8 or 9, 2010;
  - d. In the alternative to the statements made at paragraphs 31-35 herein, Snowdy never communicated to Hamilton any allegations that the Plaintiff was involved in fraud, extortion, obtaining benefits by false pretences, or prostitution;
  - e. In the alternative to the statements made at paragraphs 31-35 herein, Snowdy never told Hamilton that he had collected evidence to corroborate any allegations respecting the Plaintiff;
  - f. In the alternative to the statements made at paragraphs 31-35 herein, Snowdy never told Hamilton that he had provided information respecting the Plaintiff to the RCMP and the OPP, as of April 8 or 9, 2010.
55. Novak's letter to the RCMP dated April 9, 2010 was published maliciously and/or for the illegitimate purpose of discrediting the Plaintiff and justifying her removal from the CPC caucus and forced resignation from the position of Minister of State for the Status of Women.



56. In addition, or in the alternative, Novak's letter to the RCMP dated April 9, 2010 constituted misfeasance in public office, as it was prepared and sent by Novak, Giorno and Harper in an abuse of their power as public officeholders, in bad faith, maliciously and/or for the illegitimate purpose of discrediting the Plaintiff and justifying her removal from the CPC caucus and forced resignation from the position of Minister of State for the Status of Women. Though the RCMP's criminal investigation of the Plaintiff that resulted from Novak's letter was ultimately terminated in the Plaintiff's favour, the Plaintiff suffered damage as a result of that letter and the misfeasance in public office of Novak, Giorno and Harper in writing the letter and triggering the RCMP investigation.
57. Novak, Giorno and Harper continued to act in bad faith and maliciously toward the Plaintiff thereafter, by not providing her with a copy of the letter to the RCMP dated April 9, 2010, despite the Plaintiff's request, and despite fact that the letter contained serious allegations against the Plaintiff that were being widely discussed in the media on or about April 9, 2010 and thereafter.
58. In addition, or in the alternative, the preparation and sending of Novak's letter to the RCMP dated April 9, 2010 constituted flagrant and outrageous conduct that was calculated to produce harm and make the Plaintiff suffer harm, and it resulted in injury to the Plaintiff's reputation, political career, health, and well-being.
59. The letter prepared by Novak, Giorno and Harper and signed by Novak was written in pursuance and in furtherance of the conspiracy engaged in by the Defendants.

#### **The Statements of Novak, Giorno and Harper**

60. The statements made in Novak's April 9, 2010 letter to the RCMP were spoken and/or otherwise communicated as between Novak, Giorno and Harper, and those statements

contained words that were false and defamatory.

61. The Plaintiff complains of defamatory words spoken by Novak, Giorno, Harper and/or others on or about April 8 and/or April 9, 2010 and/or on other occasions, and states that the words complained of were false and defamatory of the Plaintiff in their natural and ordinary meaning, including their implied meanings, and were spoken with malice.
62. The words complained of meant, were intended to mean, and were understood to mean that:
  - a. The Plaintiff was involved in fraudulent activity;
  - b. The Plaintiff was involved in extortion;
  - c. The Plaintiff was involved in obtaining benefits by false pretences;
  - d. The Plaintiff was involved in prostitution;
  - e. Evidence existed and had been obtained by Snowdy to corroborate the allegations that the Plaintiff was involved in fraud, extortion, obtaining benefits by false pretences, and prostitution;
  - f. Snowdy had previously provided information respecting the improper and/or unlawful conduct of the Plaintiff to the RCMP and the OPP;
  - g. Snowdy had advised Hamilton that the Plaintiff was involved in fraudulent activity;
  - h. Snowdy had advised Hamilton that the Plaintiff was involved in extortion;
  - i. Snowdy had advised Hamilton that the Plaintiff was involved in obtaining benefits by false pretences;
  - j. Snowdy had advised Hamilton that the Plaintiff was involved in prostitution;
  - k. Snowdy had advised Hamilton that evidence existed and had been obtained by Snowdy to corroborate the allegations that the Plaintiff was involved in fraud, extortion, obtaining benefits by false pretences, and prostitution;
  - l. Snowdy had advised Hamilton that Snowdy had previously provided information

respecting the improper and/or unlawful conduct of the Plaintiff to the RCMP and the OPP.

63. Contrary to the foregoing false and defamatory words, implications and innuendoes:
- a. The Plaintiff has never been involved in fraud, extortion, obtaining benefits by false pretences, or prostitution;
  - b. No evidence has ever existed to corroborate the allegations that the Plaintiff's conduct included involvement in fraud, extortion, obtaining benefits by false pretences, and prostitution;
  - c. In the alternative to the statements made at paragraphs 31-35 herein, Snowdy never communicated to Hamilton any allegations that the Plaintiff was involved in fraud, extortion, obtaining benefits by false pretences, or prostitution;
  - d. In the alternative to the statements made at paragraphs 31-35 herein, Snowdy never told Hamilton that he had collected evidence to corroborate any allegations respecting the Plaintiff;
  - e. In the alternative to the statements made at paragraphs 31-35 herein, Snowdy never told Hamilton that he had provided information respecting the Plaintiff to the RCMP and the OPP, as of April 8 or 9, 2010.
64. In addition, or in the alternative, the making of the statements made in Novak's April 9, 2010 letter to the RCMP that were spoken and/or otherwise communicated as between Novak, Giorno and Harper on April 8 and/or April 9, 2010 and/or on other occasions constituted flagrant and outrageous conduct that was calculated to produce harm and make the Plaintiff suffer harm, and the making of those statements resulted in injury to the Plaintiff's reputation, political career, health, and well-being.
65. The defamatory words spoken by Novak, Giorno and Harper about the Plaintiff on or about April 8 and/or April 9, 2010 and/or on other occasions were spoken in pursuance

and in furtherance of the conspiracy engaged in by the Defendants.

### **Harper's Conversation with the Plaintiff**

66. On or about April 9, 2010, Harper spoke with the Plaintiff by telephone and advised her that he had become aware of allegations that the Plaintiff had been involved in criminal conduct and had forwarded the information received by him with respect to those allegations to the RCMP. During that telephone conversation, Harper also advised the Plaintiff that she would not be permitted to be a member of the CPC caucus pending the investigation of the Plaintiff to be conducted by the RCMP. However, during that conversation, Harper did not identify any specific allegations regarding the Plaintiff's alleged conduct.
67. Harper's advice to the Plaintiff that he had become aware of allegations that the Plaintiff had been involved in criminal conduct was false, as no such allegations had been communicated to him. Harper's advice to the Plaintiff was provided to her in an attempt to cause her to resign from her position as the Minister of State for the Status of Women.
68. Harper's false advice to the Plaintiff that he had become aware of allegations that the Plaintiff had been involved in criminal conduct constituted flagrant and outrageous conduct that was calculated to produce harm and make the Plaintiff suffer harm, and the provision of that advice resulted in injury to the Plaintiff's reputation, political career, health, and well-being.
69. In the alternative, the Plaintiff states that Harper had received allegations that the Plaintiff had been involved in criminal conduct, and that he accepted the veracity of those allegations without conducting an investigation or waiting for the result of a third-party investigation, and that Harper used those allegations to effect or justify the Plaintiff's removal as a member of the caucus of CPC, her removal as the candidate for the CPC in

the Electoral District of Simcoe-Grey, and her removal from her position as Minister of State for the Status of Women, in breach of the duty of care owed by him to the Plaintiff, which resulted in damage to the Plaintiff.

70. As a result of Harper's advice to the Plaintiff and attempt to cause her to resign from her position as the Minister of State for the Status of Women, the Plaintiff was pressured to resign from her position as the Minister of State for the Status of Women, and the Plaintiff did so on April 9, 2010, under duress. The Plaintiff states that Harper's advice to the Plaintiff of April 9, 2010 included misrepresentations, which the Plaintiff reasonably relied upon in resigning from her position as the Minister of State for the Status of Women, which resignation occurred to the detriment of the Plaintiff.
71. The misrepresentations made by Harper to the Plaintiff on April 9, 2010 were made in pursuance and in furtherance of the conspiracy engaged in by the Defendants.

#### **Harper's Public Statement**

72. Also on or about April 9, 2010, Harper made the following public statement:

Last night, my office became aware of serious allegations regarding the conduct of the Honourable Helena Guergis. These allegations relate to the conduct of Ms. Guergis and do not involve any other minister, MP, senator or federal government employee. I've referred the allegations to the Conflict of Interest and Ethics Commissioner and to the RCMP. Under the circumstances, I will not comment on them further.

73. The Plaintiff complains of the foregoing words, and states that the words complained of were false and defamatory of the Plaintiff in their natural and ordinary meaning, including their implied meanings.
74. The words complained of meant, were intended to mean, and were understood to mean that:

- a. The Plaintiff had been or was involved in criminal conduct;
- b. The office of the Prime Minister of Canada became aware on April 8, 2010 that serious allegations had been made regarding the Plaintiff's conduct;
- c. The allegations that the office of the Prime Minister of Canada became aware of on April 8, 2010 were serious enough to warrant their investigation by the RCMP.

75. Contrary to the foregoing false and defamatory words, implications and innuendoes:

- a. The Plaintiff has never been involved in criminal conduct;
- b. In the alternative to the statements made at paragraphs 31-44 herein, the office of the Prime Minister of Canada did not become aware on April 8, 2010 that serious allegations had been made regarding the Plaintiff's conduct;
- c. In the alternative to the statements made at paragraph 31-44 herein, the allegations that the office of the Prime Minister of Canada became aware on April 8, 2010 were not of a seriousness that warranted their investigation by the RCMP.

76. Harper's public statement of April 9, 2010 was made in bad faith and in an attempt to discredit the Plaintiff and legitimize her forced resignation from the position of Minister of State for the Status of Women and her exclusion from the CPC caucus. In addition, Harper's decision to make public the fact that he had referred the matter to the RCMP was unnecessary in the circumstances, and was made solely in order to discredit the Plaintiff and legitimize her forced resignation from the position of Minister of State for the Status of Women and her exclusion from the CPC caucus.

77. In addition, or in the alternative, Harper's public statement of April 9, 2010 constituted flagrant and outrageous conduct that was calculated to produce harm and make the Plaintiff suffer harm, and the making of that statement resulted in injury to the Plaintiff's reputation, political career, health, and well-being.
78. The defamatory words spoken by Harper during his public statement made about the Plaintiff on April 9, 2010 were spoken in pursuance and in furtherance of the conspiracy engaged in by the Defendants.

**The Letter to the Conflict of Interest and Ethics Commissioner**

79. On or about April 9, 2010, Giorno and/or Harper wrote to the Office of the Conflict of Interest and Ethics Commissioner, alleging that the Plaintiff had been involved in improper, unlawful and/or criminal conduct, or that allegations had been made that the Plaintiff had been involved in improper, unlawful and/or criminal conduct.
80. Giorno and/or Harper's letter to the Office of the Conflict of Interest and Ethics Commissioner dated April 9, 2010 constituted misfeasance in public office, as it was prepared and sent by Giorno and/or Harper in an abuse of their power as public officeholders, in bad faith, maliciously and/or for the illegitimate purpose of discrediting the Plaintiff and justifying her removal from the CPC caucus and forced resignation from the position of Minister of State for the Status of Women. Though the investigation of the Plaintiff by the Office of the Conflict of Interest and Ethics Commissioner that resulted from Giorno and/or Harper's letter did not identify any misconduct on the part of the Plaintiff, the Plaintiff suffered damage as a result of the misfeasance in public office of Novak, Giorno and Harper in writing the letter and triggering that investigation.
81. In addition, or in the alternative, the preparation and sending of Giorno and/or Harper's letter to the Office of the Conflict of Interest and Ethics Commissioner dated April 9,

2010 constituted flagrant and outrageous conduct that was calculated to produce harm and make the Plaintiff suffer harm, and the preparation and sending of that letter resulted in injury to the Plaintiff's reputation, political career, health, and well-being.

82. Novak, Giorno and Harper continued to act maliciously and in bad faith with respect to the Plaintiff thereafter, by not providing her with a copy of the letter to Office of the Conflict of Interest and Ethics Commissioner dated April 9, 2010, despite the Plaintiff's request, and despite the fact that the letter contained serious allegations against the Plaintiff that were being widely discussed in the media on or about April 9, 2010 and thereafter.
83. The letter dated April 9, 2010 written by Giorno and delivered to the Office of the Conflict of Interest and Ethics Commissioner was written in pursuance and in furtherance of the conspiracy engaged in by the Defendants.

#### **Glover's Statements**

84. On or about May 16, 2010, Glover spoke defamatory words about the Plaintiff, stating during an interview with the media that "I can assure you that there is far more to come out", and "This isn't finished", in reference to the Plaintiff and the allegations that were then in the public domain as to the Plaintiff having been engaged in criminal conduct.
85. The Plaintiff complains of the foregoing words, and states that the words complained of were false and defamatory of the Plaintiff in their natural and ordinary meaning, including their implied meanings.
86. The words complained of meant, were intended to mean, and were understood to mean that:
  - a. The Plaintiff had been or was involved in criminal conduct;



- b. Further evidence would be made public in the future, confirming that the Plaintiff had been or was involved in criminal conduct;
  - c. Reliable evidence would be made public in the future, confirming that the Plaintiff had been or was involved in criminal conduct.
87. Contrary to the foregoing false and defamatory words, implications and innuendoes:
- a. The Plaintiff has never been involved in criminal conduct;
  - b. No further evidence was made public after May 16, 2010, confirming that the Plaintiff had been or was involved in criminal conduct;
  - c. No reliable evidence has ever existed or been made public, confirming that the Plaintiff had been or was involved in criminal conduct.
88. In addition, or in the alternative, the speaking of Glover's words respecting the Plaintiff's alleged involvement in criminal conduct constituted flagrant and outrageous conduct that was calculated to produce harm and make the Plaintiff suffer harm, and the speaking of those words resulted in injury to the Plaintiff's reputation, political career, health, and well-being.
89. The Plaintiff states that Glover's words respecting the Plaintiff's alleged involvement in criminal conduct were spoken by her negligently, in breach of the duty of care owed by her to the Plaintiff as a fellow member of the CPC caucus, and that Glover's words have resulted in substantial damage to the Plaintiff.
90. The defamatory words spoken by Glover respecting the Plaintiff's alleged involvement in criminal conduct were spoken in pursuance and in furtherance of the conspiracy engaged in by the Defendants.

**Raitt's Statement(s)**

91. In or about December 2009 or early 2010, Raitt spoke defamatory words about the Plaintiff, advising Pellerin and/or others that in or about December 2009, she saw the Plaintiff use illegal drugs, including an occasion in or about December 2009 where she saw the Plaintiff using cocaine with two other people in the bathroom of an Ottawa restaurant.
92. The Plaintiff complains of the foregoing words, and states that the words complained of were false and defamatory of the Plaintiff in their natural and ordinary meaning, including their implied meanings.
93. The words complained of meant, were intended to mean, and were understood to mean that:
  - a. The Plaintiff used cocaine in December 2009;
  - b. The occasion of the Plaintiff's use of cocaine in December 2009 was in a public place in the presence of other individuals;
  - c. The Plaintiff has engaged in criminal conduct, being the possession and use of cocaine.
94. Contrary to the foregoing false and defamatory words, implications and innuendoes:
  - a. The Plaintiff has never used cocaine;
  - b. The Plaintiff has never been in the presence of another individual or individuals using cocaine;
  - c. The Plaintiff has never been involved in criminal conduct.

95. In addition, or in the alternative, the speaking of Raitt's words respecting the Plaintiff's alleged use of cocaine and illegal drugs constituted flagrant and outrageous conduct that was calculated to produce harm and make the Plaintiff suffer harm, and the speaking of those words resulted in injury to the Plaintiff's reputation, political career, health, and well-being.
96. The Plaintiff states that Raitt's words respecting the Plaintiff's alleged use of cocaine and illegal drugs were spoken by her negligently, in breach of the duty of care owed by her to the Plaintiff as a fellow member of the CPC caucus and the cabinet of the Government of Canada, and that Raitt's words have resulted in substantial damage to the Plaintiff.
97. The defamatory words spoken by Raitt respecting the Plaintiff's alleged use of cocaine and illegal drugs were spoken in pursuance and in furtherance of the conspiracy engaged in by the Defendants.

**Pellerin's Statement(s)**

98. In or about December 2009 or early 2010, Pellerin spoke defamatory words about the Plaintiff, advising Giorno and/or others that she had been told by Raitt in or about January or February 2010 that Raitt has seen the Plaintiff use illegal drugs, including an occasion in or about December 2009 where Raitt saw the Plaintiff using cocaine with two other people in the bathroom of an Ottawa restaurant.
99. The Plaintiff complains of the foregoing words, and states that the words complained of were false and defamatory of the Plaintiff in their natural and ordinary meaning, including their implied meanings.
100. The words complained of meant, were intended to mean, and were understood to mean

that:

- a. The Plaintiff used cocaine in December 2009;
- b. The occasion of the Plaintiff's use of cocaine in December 2009 was in a public place in the presence of other individuals;
- c. The Plaintiff has engaged in criminal conduct, being the possession and use of cocaine;
- d. Raitt had told the Pellerin that Raitt had seen the Plaintiff used cocaine in December 2009;
- e. Raitt had told Pellerin that the occasion of the Plaintiff's use of cocaine in December 2009 was in a public place in the presence of other individuals;
- f. Raitt had told Pellerin that the Plaintiff has engaged in criminal conduct, being the possession and use of cocaine.

101. Contrary to the foregoing false and defamatory words, implications and innuendoes:

- a. The Plaintiff has never used cocaine;
- b. The Plaintiff has never been in the presence of another individual or individuals using cocaine;
- c. The Plaintiff has never been involved in criminal conduct;
- d. In the alternative to the statements made at paragraphs 91-97 herein, Raitt never told Pellerin that Raitt had seen the Plaintiff used cocaine in December 2009;
- e. In the alternative to the statements made at paragraphs 91-97 herein, Raitt never told Pellerin that the occasion of the Plaintiff's use of cocaine in December 2009 was in a public place in the presence of other individuals;
- f. In the alternative to the statements made at paragraphs 91-97 herein, Raitt never told Pellerin that the Plaintiff has engaged in criminal conduct,

being the possession and use of cocaine.

102. In addition, or in the alternative, the speaking of Pellerin's words respecting the Plaintiff's alleged use of cocaine and illegal drugs constituted flagrant and outrageous conduct that was calculated to produce harm and make the Plaintiff suffer harm, and the speaking of those words resulted in injury to the Plaintiff's reputation, political career, health, and well-being.
103. The Plaintiff states that Pellerin's words respecting the Plaintiff's alleged use of cocaine and illegal drugs and Raitt's allegations with respect to same were spoken by Pellerin negligently, in breach of the duty of care owed by her to the Plaintiff as the former Chief of Staff of the Plaintiff, and that Pellerin's words have resulted in substantial damage to the Plaintiff.
104. The defamatory words spoken by Pellerin respecting the Plaintiff's alleged use of cocaine and illegal drugs and Raitt's allegations with respect to same were spoken in pursuance and in furtherance of the conspiracy engaged in by the Defendants.

#### **CPC's Conduct**

105. As a member of the CPC caucus, the Plaintiff was owed a duty of care and/or a duty of good faith by the CPC, including an obligation on the part of the CPC to treat the Plaintiff fairly, honestly, and in accord with principles of due process and natural justice.
106. On or about May 5, 2010, the National Candidate Selection Committee of the CPC removed the Plaintiff as the candidate for the CPC in the Electoral District of Simcoe-Grey.
107. The CPC's removal of the Plaintiff as the candidate for the CPC in the Electoral District

of Simcoe-Grey was effected unlawfully, not in accord with principles of due process and natural justice, and not in accord with the duty of good faith and duty of care owed by the CPC to the Plaintiff.

108. The CPC's removal of the Plaintiff as the candidate for the CPC in the Electoral District of Simcoe-Grey was effected at the direction of Harper, and was effected in furtherance of the conspiracy pleaded herein.
109. The CPC's removal of the Plaintiff as the candidate for the CPC in the Electoral District of Simcoe-Grey resulted in damage to the Plaintiff, including the Plaintiff's loss in the federal general election of 2011 wherein the Plaintiff was not re-elected as the Member of Parliament for the Electoral District of Simcoe-Grey, with resulting damage to the Plaintiff's reputation, political career, and well-being.

#### **The Plaintiff's Damages**

110. As a result of the conspiracy engaged in by the Defendants, and their further unlawful acts and omissions, including the defamation, misfeasance in public office, and negligence referred to herein, the Plaintiff has suffered, and will in the future suffer, damage to her reputation and damage to her feelings.
111. Not only was the Plaintiff removed as a member of the caucus of CPC, as the candidate for the CPC in the Electoral District of Simcoe-Grey, and as Minister of State for the Status of Women, the Defendants' conspiracy and conduct have damaged the Plaintiff's reputation, career in politics and public service, her ability to earn income, and her health and personal well-being.
112. The Defendants, or certain of them, have further aggravated the damages caused to the Plaintiff, by:

- a. publishing the words complained of maliciously and in bad faith, with knowledge that they were false, or with reckless disregard for their truth or falsity;
- b. by not advising the Plaintiff as to the particular allegations that had been made against her;
- c. by not providing the Plaintiff with an appropriate forum or process by which she could respond to the allegations made against her, in breach of the principles of due process and natural justice;
- d. by taking no steps prior to April 9, 2010 to permit the Plaintiff to respond to the allegations against her;
- e. making further public comments and statements in a tone of language intended to discredit and belittle the Plaintiff.

113. Further, the Plaintiff states that the in engaging in a conspiracy and acting unlawfully toward the Plaintiff, the Defendants engaged in arbitrary, reckless, capricious, malicious, high-handed, and arrogant conduct, such that the Plaintiff is entitled to an award of punitive or exemplary damages as against the Defendants, to ensure that the Defendants are appropriately punished for their conduct and deterred from such conduct in the future.

114. The Plaintiff proposes that this action be tried in the City of Ottawa.

Date of Issue:

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**SUPERIOR COURT OF JUSTICE**

Proceeding commenced at OTTAWA

**STATEMENT OF CLAIM**

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